

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC,)
Plaintiff,)
vs.) Case No. 1:21-CV-00312
ISLAND PROJECT AND OPERATING)
SERVICES, LLC; VITOL US HOLDING)
II CO.; VITOL VIRGIN ISLANDS)
CORP.; ANDREW CANNING; and OPTIS)
EUROPE, LTD.,)
Defendants.)

**THE VIDEOTAPED ORAL DEPOSITION OF
VERSA INTEGRITY GROUP, INC.**

as a 30(b)(6) witness through its representative, **MICHAEL McCULLOUGH**, was taken on the 28th day of July, 2023, via Zoom teleconference, between the hours of 4:28 p.m. and 4:52 p.m. AST, pursuant to Notice and Federal Rules of Civil Procedure.

Reported by:

Susan C. Nissman RPR-RMR
Registered Merit Reporter
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APPEARANCES

A-P-P-E-A-R-A-N-C-E-S

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By: Lee J. Rohn

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By: Simone R.D. Francis

For the Defendant Vitol US Holding II Co. and Vitol Virgin Islands Corp.:

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By: Carl A. Beckstedt, III

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APPEARANCES

For the Defendant Andrew Canning:

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By: Andrew C. Simpson

Also Present:

Adam Marinelli, Counsel for Acuren and Versa Integrity Group, Inc.

Fiona Sutherland, In-House Counsel for Acuren and Versa Integrity Group, Inc.

Adrian Melendez, Jr.

Andrew Canning

Max Stein, Videographer and Computer Technician

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(None Marked.)

VERSA INTEGRITY GROUP, INC. -- DIRECT

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1 **THE VIDEOGRAPHER:** We're now going on the
2 record at 4:28 p.m. on Friday, July 28, 2023.

3 This begins the remote videotaped deposition
4 via Zoom videoconference of Michael McCullough, taken by the
5 defendants in the matter of Petro Industrial Solutions, LLC
6 versus Vitol Inc., et al, filed in the District Court of the
7 Virgin Islands, Division of St. Croix. Civil Number
8 1:21-CV-00312.

9 My name is Max Stein. I am the videographer
10 and computer technician employed by Precise, Inc. Our court
11 reporter is Susan Nissman, representing Caribbean Scribes,
12 Inc.

13 All counsel present will be noted on the
14 stenographic record.

15 And the court reporter will now please swear
16 in the witness.

17 **VERSA INTEGRITY GROUP, INC.,**

18 through its representative, **MICHAEL MCCULLOUGH,**
19 called as a witness, having been first duly sworn,
20 testified on his oath as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. ROHN:**

23 **Q.** Good afternoon.

24 **A.** Good afternoon.

25 **Q.** My name is Lee Rohn, and I represent Petro.

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1 Could you state your name for the record,
2 please?

3 **A.** Michael McCullough.

4 **Q.** And Mr. McCullough, where are you currently?

5 **A.** Here in Houston, Texas.

6 **Q.** Okay. Are you at your home?

7 **A.** Yes, ma'am.

8 **Q.** Okay. And are you presently employed?

9 **A.** I am.

10 **Q.** And who are you employed by?

11 **A.** Employed by Acuren Inspection. I work for Hellier
12 NDT. I'm the senior manager.

13 **Q.** You work for who?

14 **A.** Acuren Inspection.

15 **Q.** What did you say after that?

16 **A.** I'm the senior manager at Hellier NDT. It's a
17 subsidiary.

18 **Q.** And what does Hellier NDT do?

19 **A.** We provide training and consulting services for
20 NDT community, that's oil and gas, and aerospace energy in
21 nuclear world.

22 **Q.** And what is your -- what are your job requirements
23 as a senior manager of Hellier NDT?

24 **A.** That's Hellier NDT.

25 **Q.** NTD. Sorry.

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1 **A.** So in providing training and consulting services,
2 we -- we train young inspectors and visual inspectors for a
3 vast array of different services. And we provide level-
4 three consulting services for those people who need help in
5 employing, maintaining, and managing their nondestructive
6 testing program, including the quality aspects of the
7 program.

8 **Q.** Have you ever had your deposition taken before?

9 **A.** No, ma'am.

10 **Q.** Well, a deposition is just as if you were in
11 court, except that it's a little less formal.

12 There's a court reporter that takes down
13 everything everyone says. It's helpful to the court
14 reporter if we don't talk at the same time.

15 If you need a break, you are certainly
16 entitled to a break.

17 If I ask you a question that you don't
18 understand, please let me know, and I'll rephrase it.
19 Otherwise, I'm going to assume that you understood my
20 question.

21 Is that fair? You understand that?

22 **A.** Yes, ma'am.

23 **Q.** Okay. So you are being deposed today, as if
24 you're Versa.

25 Have you ever worked for Versa?

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1 **A.** Yes, ma'am.
2 **Q.** Okay. And what -- during what periods of time
3 have you worked for Versa?

4 **A.** I worked from -- for Versa from May of 2017, until
5 we were acquired by Acuren, November of 2022.

6 **Q.** And what did you do to be prepared to testify as
7 the 30(b)(6) witness for Acuren? Oh, sorry, for Versa?

8 **A.** I queried the company Petro and looked into that
9 matter to determine if they were -- had ever been a customer
10 of Versa Integrity. I did that by accessing the VersaGo
11 dispatching and billing platform that Versa uses, called
12 VersaGo.

13 **Q.** And what -- what kind of information is included
14 in VersaGo?

15 **A.** It's a -- an archival database and dispatching
16 mechanism that we utilize to keep track of our customers and
17 their -- and their tickets.

18 **Q.** "Tickets," meaning invoices?

19 **A.** Invoices, yes, ma'am.

20 **Q.** Okay. So have you ever been to the Virgin
21 Islands?

22 **A.** Yes, ma'am.

23 **Q.** And what period of time have you been in the
24 Virgin Islands?

25 **A.** Well, pretty broad question. I've been in the

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1 Virgin Islands a number of different times, mostly for
2 vacation, but I have been there to work as well.

3 Q. Only interested in work.

4 A. Yes, I have been to -- I have been to St. John to
5 work at Limetree Bay.

6 Q. You mean St. Croix?

7 A. St. Croix. Excuse me.

8 Q. That's okay.

9 And what period of time did you work at
10 Limetree Bay?

11 A. I only ever visited in -- in order to audit
12 technicians. I visited in our first year. I have to check
13 the records, but every year except the last year that we
14 were on the island, I visited once a year in order to
15 perform technician field audits, and in order to train our
16 technicians, as well as perform qualification and
17 certification testing.

18 Q. So what years was the company there? You said you
19 went there every year the company was there, so what years
20 were those?

21 A. I believe they were there 2019, 2020, 2021, and
22 2022. So I went 2019, 2020. That's right before COVID.
23 And then I believe I went once more after that. I believe I
24 visited three different times.

25 Q. And you said that you were there to audit once a

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1 clients.

2 Q. During that time that you were working at
3 Limetree, did you ever come across Petro?

4 A. No, never.

5 Q. And from your looking at the tickets, had Versa
6 ever done any work for Petro?

7 A. No, never.

8 Q. Does Versa certify welders, though?

9 A. No, we do not.

10 Q. Does Versa do testing of welders?

11 A. No.

12 Q. So am I correct, Versa has -- has nothing to do
13 with the issuances of WPQs?

14 A. That's right. Versa did not -- did not have
15 anything to do with issuance of welders' performance
16 qualifications.

17 Q. So in your original answer, I thought that you
18 told me that you train for the qualification of certified
19 welders. I must have gotten that wrong; is that correct?

20 A. Yes. You're wrong.

21 Q. So certified testing; is that correct?

22 A. Nondestructive testing technicians.

23 Q. Now, generally when you're doing welding testing,
24 is there generally an accepted percentage of welds that are
25 tested?

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1 year to not -- to audit your technician field office; is
2 that right?

3 A. No, ma'am.

4 Q. What did you say? I'm sorry. I wrote down so
5 bad, I can't read it.

6 A. Yeah, I would perform field audits of our NDT
7 technicians.

8 Q. And were those Versa technicians?

9 A. Yes, ma'am.

10 Q. And did you also have Versa people there who were
11 doing WPQs and certifying welders?

12 A. No, ma'am.

13 Q. So you only audited your NDT technicians; is that
14 correct?

15 A. Yes.

16 Q. And what would you do to audit your NDT
17 technicians?

18 A. It's NDT, non --

19 Q. That's what I said, NDT, nondestructive testing.
20 I got it.

21 A. All right. We would -- we would visit them in the
22 field as they were performing their daily duties in the
23 different NDT methodologies that they utilized to determine
24 the efficacy of their work, and to make sure it's up to
25 quality, and we were doing a good job for our -- our

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1 A. There's no context to your question. It's very
2 broad, so I would need you to specify to what you're
3 speaking of.

4 Q. All right. So if you're testing, for instance,
5 for the welding on a vent line, is there generally a
6 percentage of welds that you test on that line?

7 A. Well, to what standard are we testing to? What
8 industrial standard?

9 Q. Acceptable standard?

10 Hold on a second. My client can tell me.

11 (Respite.)

12 31.3.

13 A. Are you talking ASME B31.3?

14 Q. Yes, ASME.

15 A. Yes. There is a percentage that must be accepted
16 in order to meet the code requirements of ASME B31.3 process
17 piping.

18 Q. And what is that percentage?

19 A. It depends on the criticality of the line.

20 Q. So if it's a vent line to air, and it doesn't have
21 flammables in it, what would be the percentage?

22 MR. SIMPSON: objection.

23 Q. (Ms. Rohn) You can answer.

24 MS. FRANCIS: objection.

25 Q. (Ms. Rohn) You may answer.

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1 **MR. BECKSTEDT:** Same objection.

2 **Q. (Ms. Rohn)** An objection is just for the Court

3 later. You can answer.

4 **A.** That would be determined by Limetree Bay, the end

5 user. If we had the engineering specs, we could tell you

6 exactly. I don't want to just guess, because that wouldn't

7 be accurate.

8 It's not for me to determine what the

9 percentage would be. ASME B31.3 specifically calls out four

10 different qualifications: Normal fluid service; severe

11 cyclic service; Category M; or Category D service.

12 **Q.** Do you know what they are for each?

13 **A.** I know -- I have a good idea.

14 **Q.** Well, what is that good idea?

15 **A.** It's 5 to 10 percent for every category, but

16 severe cyclic. Severe cyclic will be 100-percent testing of

17 all welds made.

18 **Q.** After -- has Versa ever done any testing at the

19 IPOS propane terminal?

20 **A.** I don't know.

21 **Q.** So my notice of deposition, Number 6, is request

22 by IPOS, VTTI, or Vitol to retest the Petro welds.

23 What did you do to be prepared to answer that

24 question?

25 **A.** How did I prepare for Number 6, the request for

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1 **Q.** Okay. So a 30(b)(6) witness is a company --

2 testifies for the company. So you have to speak to people.

3 You have to look at documents. You have to do an

4 investigation, so you're prepared to answer that question.

5 Why didn't you do that?

6 **A.** Well, the question, the way it's asked, would

7 imply that there was -- that they were problematic to begin

8 with. Is that true?

9 **Q.** No.

10 **A.** Well, then, why would the Petro welds be retested?

11 And in order to actually do a correct

12 investigation, you would have to identify which welds you're

13 pointing to? Of course, there are thousands of welds in a

14 plant. I would need to know exactly which welds you're

15 referring to. Who -- who -- what welder actually performed

16 the welds. What's the reference number, the job number,

17 when they were welded, and where they were welded.

18 **Q.** No, sir. Those would be found on the documents

19 that you should have reviewed, which was the documents

20 showing the retesting of the Petro welds at the propane

21 terminal in St. Croix.

22 So what would it take you to do to prepare to

23 answer that question?

24 **MR. MARINELLI:** Is there a question? There's

25 not been a question that's been asked yet.

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1 IPOS, VTTI, or Vitol --

2 **Q.** Yes.

3 **A.** -- to retest the Petro welds?

4 **Q.** Yes.

5 **A.** I spoke with in-house personnel in order to

6 prepare.

7 **Q.** What did you prepare to answer that question?

8 **A.** It's too broad of a question to -- from a direct

9 line of inquiry.

10 Could you -- let me see if I can take it

11 again. Could you rephrase -- restate the question, please?

12 **Q.** Yeah. The question is, the request by IPOS, VTTI,

13 or Vitol to retest the Petro welds, the scope of that

14 testing, the results, and whether the welds, as a whole,

15 passed the ASME standards for approval of the work.

16 **A.** Okay. No, I -- I -- don't know about that. We

17 would have to consult the -- we'd have to consult the -- the

18 welds themselves, and the documentation.

19 **Q.** Well, sir, have you reviewed the documentation?

20 **A.** No, ma'am.

21 **Q.** And why not?

22 **A.** I'm sorry?

23 **Q.** Why not?

24 **A.** I don't have any in front of me, if that's what

25 you mean.

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1 **MS. ROHN:** I asked him, he said, I don't know

2 anything about it.

3 **MR. MARINELLI:** Number 6 is not a question.

4 **MS. ROHN:** I asked him what he knew about the

5 Petro welds. He said, I don't know anything.

6 **Q. (Ms. Rohn)** So, sir --

7 **MR. MARINELLI:** That's not what he said.

8 That's a misrepresentation.

9 **Q. (Ms. Rohn)** Sir, did you go to any document, speak

10 to anyone, to learn whether or not Versa retested the

11 IPOS -- the Petro welds at the IPOS location?

12 **A.** Yes, ma'am. I spoke to people within the company,

13 and they've never -- the people I spoke to, and the records

14 I queried, we don't have any welds saved under Petro welds.

15 You would have to be very specific to provide that

16 documentation to me.

17 **Q.** Well, did you check for welds done at the IPOS

18 facility?

19 **A.** I would have to talk with our -- with our project

20 manager to determine when and where that was done.

21 **Q.** Did you do that?

22 **A.** Sorry?

23 **Q.** Did you do that?

24 **A.** Did I touch base with the project manager?

25 **Q.** Um-hum.

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1 A. Yes, ma'am.

2 Q. Okay. And what did you ask him?

3 A. I asked him if he -- if he was aware of Petro, and

4 that was -- that was where he said he didn't know.

5 Q. Did you ask him, did we do any testing at the IPOS

6 facility?

7 A. No, ma'am. Did not.

8 Q. To your knowledge, has Versa done any testing at

9 the IPOS facility?

10 A. No, ma'am.

11 Q. It's your testimony, under oath, that Versa has

12 never done any testing at the IPOS facility?

13 A. I don't know. That's my --

14 Q. Sir, you're Versa.

15 A. Yes.

16 Q. So, sir, as Versa, has Versa ever done any testing

17 at the IPOS facility?

18 A. You haven't yet asked me what I did for Versa,

19 so --

20 Q. Sir, it doesn't matter what you did for Versa,

21 because you've been designated as the person to answer this

22 question.

23 A. Reason why I bring that out was because as the

24 director of quality, right? I don't know where -- where --

25 if we worked necessarily on the island in any particular

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1 for a Petro. You're implying that the follow-up was done by

2 someone else. I -- I just don't know the foundation for the

3 question, that's all. There is no Petro in our records.

4 Q. Do you know who actually was in charge of the work

5 for Versa Integrity Group on the second contract to test the

6 3-inch vent line?

7 A. Well, what second contract?

8 Q. At IPOS for the propane?

9 A. That doesn't make any sense to me. You're

10 implying that there was a first contract. Now there's a

11 second contract.

12 If you -- if you had the contracts, we could

13 review them, and then I could tell you specifically.

14 Q. Did you go look for the contracts, sir?

15 A. Yes, ma'am. I queried the name Petro, and

16 nothing -- nothing came up.

17 Q. Did you query the name IPOS?

18 A. No, ma'am. I did not.

19 Q. Does Versa Integrity Group have any knowledge of

20 who Guillermo Castro is?

21 A. No, ma'am.

22 Q. Never heard? You've asked around, and asked if

23 anybody at Versa knows Guillermo Castro?

24 A. Did I ask around in general?

25 Q. What did you do to find out if Versa itself knows

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1 place as we, you know, tested thousands of welds. I would

2 have to consult with the project manager.

3 Q. And how long would it take you to be able to

4 answer that question?

5 MR. MARINELLI: Objection. Lee, these

6 technical questions about specific welds were intended for

7 Johnas Semien. This is --

8 MS. ROHN: I'm not asking technical questions

9 about welds, first of all. And Johnas Semien had no

10 knowledge of where welds were. He just looked at which

11 welds he was assigned to.

12 All right. I'll file my motion with the

13 Court.

14 MR. MARINELLI: Okay.

15 Q. (Ms. Rohn) Do you know who hired Versa Integrity

16 Group to test the WPA 3-inch vent line welds after Petro had

17 Versa test them?

18 A. I'm sorry. Could you restate the question again,

19 please?

20 Q. Yes.

21 who hired Versa Integrity Group to test the

22 WPA 3-inch vent line welds after Petro had Versa test them?

23 A. I don't -- I don't know.

24 As I said, I had no idea. I -- I queried the

25 name Petro, and there's no record of us ever having worked

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1 Guillermo Castro?

2 A. I queried the name Guillermo Castro into our

3 records. Nothing -- nothing came up.

4 MS. ROHN: I have no more questions at this

5 time. I will, however, be bringing a motion to compel

6 someone who can answer those questions.

7 MR. MARINELLI: Feel free.

8 MS. ROHN: Thank you.

9 THE VIDEOGRAPHER: Does anyone have any other

10 questions for the witness?

11 MR. SIMPSON: This is Andy. I have none.

12 MR. BECKSTEDT: Carl Beckstedt. I have no

13 questions.

14 MR. MARINELLI: I'd just like to add, for the

15 record, that if you choose to go down that pathway, we'll

16 move for fees and sanctions, because you were provided an

17 opportunity --

18 MS. ROHN: Whatever.

19 MR. MARINELLI: Don't interrupt me when I'm

20 talking.

21 You were provided an opportunity to talk to a

22 technician that could ask -- answer specific questions, as

23 it related to welds and inspections performed.

24 This witness was provided to talk about

25 company operations. Your questions are nonsensical and have

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1 no foundation, so --

2 **MS. ROHN:** The witness clearly didn't know
3 how much the contract was for. He clearly didn't know how
4 much was billed. Please don't go there with me.

5 **MR. MARINELLI:** I don't know what contract
6 we're talking about. You didn't even show one to my client.

7 **MS. ROHN:** Well, you didn't object to any of
8 my notices, so we'll go from there.

9 **MR. MARINELLI:** You didn't serve your
10 notices, Lee. You didn't serve them.

11 **MS. ROHN:** Stop yelling at me, sir. Really.
12 So I have nothing more from you, or from him. Thank you.

13 **MR. MARINELLI:** We'll look forward to your
14 motion.

15 **THE VIDEOGRAPHER:** Okay. We're now going off
16 the video record. This concludes the video deposition. The
17 time is 4:52.

18
19
20 (whereupon the deposition concluded
21 at 4:52 p.m.)
22
23
24
25

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C-E-R-T-I-F-I-C-A-T-E

I, SUSAN C. NISSMAN, a Registered Merit Reporter and Notary Public for the U.S. Virgin Islands, Christiansted, St. Croix, do hereby certify that the above named witness, **VERSA INTEGRITY GROUP, INC., through its representative, MICHAEL McCULLOUGH**, was first duly sworn to testify the truth; that said witness did thereupon testify as is set forth; that the answers of said witness to the oral interrogatories propounded by counsel were taken by me in stenotype and thereafter reduced to typewriting under my personal direction and supervision.

I further certify that the facts stated in the caption hereto are true; and that all of the proceedings in the course of the hearing of said deposition are correctly and accurately set forth herein.

I further certify that I am not counsel, attorney or relative of either party, nor financially or otherwise interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand as such Registered Merit Reporter on this the 1st day of August, 2023, at Christiansted, St. Croix, United States Virgin Islands.

/s/ Susan C. Nissman

My Commission Expires:
June 28, 2027

Susan C. Nissman, RPR-RMR
NP-644-23